

1 WRIGHT, FINLAY & ZAK, LLP  
2 Darren T. Brenner, Esq.  
3 Nevada Bar No. 8386  
4 Lindsay D. Dragon, Esq.  
5 Nevada Bar No. 13474  
6 7785 W. Sahara Ave., Suite 200  
7 Las Vegas, NV 89117  
8 (702) 475-7964; Fax: (702) 946-1345  
9 [dbrenner@wrightlegal.net](mailto:dbrenner@wrightlegal.net)  
10 [ldragon@wrightlegal.net](mailto:ldragon@wrightlegal.net)

11 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, As Trustee For The Holders of*  
12 *GSAMP Trust 2005-AHL Mortgage Pass-Through Certificates, Series 2005-AHL*

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR THE  
HOLDERS OF GSAMP TRUST 2005-AHL  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-AHL,

Plaintiff

vs.

WESTCOR LAND TITLE INSURANCE  
COMPANY,

Defendant

Case No.: 2:19-cv-00303-CDS-EJY

**STIPULATION AND ORDER TO STAY  
CASE PENDING APPEAL**

Plaintiff, Deutsche Bank National Trust Company, As Trustee For The Holders of  
GSAMP Trust 2005-AHL Mortgage Pass-Through Certificates, Series 2005-AHL (“Plaintiff”)  
and Defendant, Westcor Land Title Insurance Company (“Defendant”, and with Plaintiff, the  
“Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and  
Defendant disputes, that the title insurance claim involving an HOA assessment lien and  
subsequent sale was covered by the subject policy of title insurance. There are now currently  
pending in the United States District Court for the District of Nevada and Nevada state courts  
more than one-hundred actions between national banks, on the one hand, and title insurers, on the  
other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA 115.2/ALTA 5 Endorsements.

The Parties have conferred and believe a stay is warranted. There are now two fully briefed appeals to the Nevada Supreme Court involving similar coverage disputes in *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche Bank* are fully briefed, and oral argument has been set for April 11, 2023.<sup>1</sup> The Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy and claims handling, that could potentially affect the disposition of the instant action.

Accordingly, the Parties believe a stay in the instant action will best serve the interests of judicial economy. The Parties are to submit a Joint Status Report every ninety (90) days to inform the Court on the progress of the *PennyMac* and *Deutsche Bank* appeals. The Parties further agree that this stipulation and stay of this case is entered based on the specific circumstances surrounding this particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

**NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. In the interests of judicial economy and in efforts to preserve the Parties’ resources, the Parties request that this action be **STAYED**.
2. All deadlines currently set in this case shall be **VACATED**.
3. The Status Hearing currently set to be held on Wednesday, March 22, 2023 at 10:00 a.m. shall be **VACATED**.

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<sup>1</sup> There are also two separate appeals with the Ninth Circuit involving similar coverage disputes. The appeal in *Wells Fargo Bank, N.A. v. Commonwealth Land Title Ins. Co.*, Case No. 19-16181 is fully briefed, but the Ninth Circuit has deferred its decision pending the *PennyMac* and *Deutsche Bank* appeals. See Dkt. Ent. 75. The appeal in *U.S. Bank Nat’l Ass’n v. Stewart Title Guaranty Co.*, Case No. 22-17015 is in the early stages of briefing with U.S. Bank’s opening brief currently due March 30, 2023.

1 4. The Parties are to submit a Joint Status Report every ninety (90) days starting on June  
2 19, 2023.

3 5. By entering into this Stipulation, none of the Parties is waiving its right to  
4 subsequently move the Court for an order lifting the stay in this action.

5 6. Notwithstanding this Stipulation, the Parties may continue to conduct third-party  
6 discovery (including by issuing and enforcing third-party subpoenas) to preserve  
7 evidence.

8 **IT IS SO STIPULATED.**

9 DATED this 20<sup>th</sup> day of March, 2023.

DATED this 20<sup>th</sup> day of March, 2023.

10 WRIGHT, FINLAY & ZAK, LLP

MAURICE WOOD

11 /s/ Lindsay D. Dragon

/s/ Brittany Wood, Esq.

12 Lindsay D. Dragon, Esq.

Brittany Wood, Esq.

13 Nevada Bar No. 13474

Nevada Bar No. 7562

14 7785 W. Sahara Ave., Suite 200

8250 West Charleston Blvd., Suite 100

15 Las Vegas, NV 89117

Las Vegas, Nevada 89117

16 *Attorney for Plaintiff, Deutsche Bank*

*Attorneys for Defendant, Westcor Land Title*

17 *National Trust Company, As Trustee For The*

*Insurance Company*

18 *Holders of GSAMP Trust 2005-AHL*

19 *Mortgage Pass-Through Certificates, Series*

20 *2005-AHL*

21 **IT IS SO ORDERED.**

22   
23 UNITED STATES DISTRICT JUDGE

24 DATED: March 20, 2023